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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,579	04/14/2004	C. Todd Praisner	WRKS:007	6561
7590 05/02/2007 Brian W. Peterman O'KEEFE, EGAN & PETERMAN Building C, Suite 200 1101 Capital of Texas Highway South Austin, TX 78746			EXAMINER MERCHANT, SHAHID R	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,579

Applicant(s)

PRAISNER, C. TODD

Examiner

Shahid R. Merchant

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/14/2004, 2/4/2005 & 8/25/2005.

DETAILED ACTION

Priority

1. Examiner has given consideration to applicant's Provisional Application No. 60/469,941 filed on May 13, 2003. For examining purposes of this application, the effective filing date will be on May 13, 2003.

Drawings

2. New corrected drawing in compliance with 37 CFR 1.121(d) are required in this application. Figures 1-4 contain handwritten text, which may affect clarity once reproduced. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 rejected under 35 U.S.C. 102(b) as being anticipated by Kolling et al., U.S. Patent No. 5,920,847 (see PTO-892, Ref. A).

5. As per claim 1, Kolling teaches a method for controlling payments to third-party entities, comprising:

receiving payment information in electronic form from at least one customer accounting system, the payment information comprising a plurality of amounts to be paid to a plurality of third-party entities (see column 11, lines 5-33);

analyzing the payment information to identify at least a subset of the third-party entities to pay through credit transactions (see column 3, lines 63-67, column 4, lines 1-17 and column 26, lines 31-47); and

initiating electronic credit transactions through a credit card processing system to make credit payments to the subset of third-party entities (see column 3, lines 63-67, column 4, lines 1-17 and column 26, lines 31-47).

6. As per claim 2, Kolling teaches the method of claim 1 as described above. Kolling further teaches wherein the credit transactions are based upon credit provided to an entity other than a customer (see column 26, lines 31-47).

7. As per claim 3, Kolling teaches the method of claim 1 as described above. Kolling further teaches wherein the payment information comprises a plurality of different electronic payment information files from a plurality of different customers (see Figure 4, items 100, 124, column 14, lines 22-38, column 15, lines 14-20 and column 16, lines 7-28).

8. As per claim 4, Kolling teaches the method of claim 3 as described above. Kolling further teaches comprising prior to initiating electronic credit payments, aggregating payments to at least one third-party entity common to a plurality of the electronic payment information files (see column 7, lines 54-67 and column 8, lines 1-21).

9. As per claim 5, Kolling teaches the method of claim 3 as described above. Kolling further teaches wherein the electronic payment information files utilize different data formats, and further comprising converting the electronic payment information files into a common data format (see column 12, lines 60-67, column 13, lines 1-9 and column 22, lines 8-25).

10. As per claim 6, Kolling teaches the method of claim 1 as described above. Kolling further teaches comprising storing information related to a plurality of third-party entities, the information including an identification of payment mechanisms through which the third-party entities will accept payment (see column 22, lines 63-67, column 23, lines 1-6 and column 25, lines 29-36).

11. As per claim 7, Kolling teaches the method of claim 6 as described above. Kolling further teaches comprising utilizing the stored information in the analyzing step

Art Unit: 3694

to help determine the subset of third-party entities to pay through credit transactions (see column 22, lines 47-67, column 23, lines 1-6 and column 25, lines 29-36).

12. As per claim 8, Kolling teaches the method of claim 1 as described above.

Kolling further teaches wherein the initiating step comprises a credit holder initiating an electronic credit transaction through the credit card processing system (see column 3, lines 63-67, column 4, lines 1-17 and column 26, lines 31-47).

13. As per claim 9, Kolling teaches the method of claim 1 as described above.

Kolling further teaches wherein the initiating step comprises a payee initiating an electronic credit transaction through the credit card processing system (see column 3, lines 63-67, column 4, lines 1-17 and column 26, lines 31-47).

14. As per claim 10, Kolling teaches the method of claim 1 as described above.

Kolling further teaches wherein the receiving step further comprises receiving payment scheduling information from at least one customer (see column 26, lines 25-30).

15. As per claim 11, Kolling teaches the method of claim 1 as described above.

Kolling further teaches comprising initiating non-credit payments for third-party entities not within the subset of third-party entities for which credit transactions were initiated (see column 3, lines 63-67, column 4, lines 1-17 and column 26, lines 31-47).

Art Unit: 3694

16. Claim 12 is in parallel with claim 1 and is rejected for at least the same reason as set forth above (see also Figure 4, items 102- 108).

17. Claim 13 is in parallel with claim 2 and is rejected for at least the same reason as set forth above.

18. Claim 14 is in parallel with claim 3 and is rejected for at least the same reason as set forth above.

19. Claim 15 is in parallel with claim 4 and is rejected for at least the same reason as set forth above.

20. Claim 16 is in parallel with claim 5 and is rejected for at least the same reason as set forth above.

21. Claim 17 is in parallel with claim 6 and is rejected for at least the same reason as set forth above.

22. Claim 18 is in parallel with claim 7 and is rejected for at least the same reason as set forth above.

23. Claim 19 is in parallel with claim 10 and is rejected for at least the same reason as set forth above.

24. Claim 20 is in parallel with claim 8 and is rejected for at least the same reason as set forth above.

25. Claim 21 is in parallel with claim 9 and is rejected for at least the same reason as set forth above.

26. Claim 22 is in parallel with claim 11 and is rejected for at least the same reason as set forth above.

Conclusion

The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM


ELLA COLBERT
PRIMARY EXAMINER